

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: NAGAIKE ET AL.

APPLICATION No.: 10/591,787

FILED: 07/30/2007

FOR: RECOMBINANT VARICELLA-ZOSTER  
VIRUS

EXAMINER: CHEN, STACY BROWN

ART UNIT: 1648

CONFIRMATION No.: 3253

**Declaration Under 37 CFR §1.821**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

I, Susan J. Myers Fitch, declare and affirm as follows:

1. I am an attorney/agent for the applicant.
2. The .txt file and .pdf file which accompany this Declaration contain the required sequence listing.
3. The sequence listing sent as a .txt file matches the copy sent as a .pdf file submitted herewith.
4. The present submission contains no new matter relative to the application as originally filed.

Respectfully submitted,

Date: 28 January 2010

/Susan J. Myers Fitch/  
Susan J. Myers Fitch  
Registration No. 55,477

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